Previous references.

1906-7
S & L

File No. 6270
Serial Nos. 7 to 10

Later references.
G.O. 26-10 1907

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for February

SUBJECT.

Gratuity to the deceased
Dr. Appadurai Moodliar,
Asst. Surgeon

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7. From The Comptroller - No. 2634/Pen/2416 of 13-11-06
Notes that Dr. Appadoray Moodliar would be entitled to a gratuity of Rs. 1050/- if he had been forced to retire from service, that the case is not, for reasons given by art. 533 of the Rs. S.R. and that if however Govt. is inclined to take a favorable view of the case they may grant an arbitrarily fixed sum under art. 561 of the Rs. S.R.

8. To. The Senior Surgeon - No. Fl 3769 of 23-11-06
Calls for certain information & requests forwarding of the original papers relating to Dr. Appa Moodliar's case

9. From. The Senior Surgeon - No 496 of 4-12-06.
States that Dr. Appadoray Moodliar first availed himself of the leave on a medical certificate for a period of two years from 30-4-02 which having expired on 30-4-04 he was granted extra ordinary leave without allowances for one year in extension of the same and that he applied for retirement on 20-3-05 & Encloses the original application of the G. R. S. 58 applied. Surgeon for retirement.

10. To. The Comptroller and the Senior Surgeon - No. Fl 6236-7 of 15-2-07
Sanctions an invalid gratuity of Rs. 1050/- to Dr. Appadoray Moodliar

G. R. S. 11] 1906.-07

GENERAL AND REVENUE SECRETARIAT

(II / Sta)

NOTES.

File. No 62 of 05

FILE HEADING.

Gratuity to the deceased Mr Appadorai Mudaliar Asst Surgeon

From The Comptroller

No. 2694 / Pen: 244 Dated 13-11-06 Received 13-11-06

Diary No. 1908	Enclos.	Spare Copies.	Serial No. 7

BRIEF ABSTRACT OF LETTER.

States that Mr Appadurai Mudaliar would be entitled to a gratuity of Rs 1050/- if he had been formally retd from service, that the case is not, for reasons given covered by art: 533 of the M.S. Regns and that if however Govt is inclined to take a favourable view of the case, they may grant an arbitrarily fixed sum under art 501 of the MSR

NOTES AND ORDERS

Sub. Jones
PWD
15-11-06

The Comptr States that Mr. Appadurai Modaliar was not relieved of his duties with a view to his retirement but only to enable him to avail himself of the leave on medical certificate

MGCPB—30,000—17 2-05.

Serial No.

and that therefore his case does not come under the ordinary rules and suggests that a gratuity arbitrarily fixed may be sanctioned by Govt-der art 501 M.S.R.

Subdt to Secy
mmk
15-11-06

On ~~What date~~ did he first avail himself of the leave on med certificate, & for what period
When did he apply for retirement?
In addn to this info^n, obtain also the original papers in the S.S.'s office relating to this case —

Draft mmk 17-11-06

Draft subd
17/11

Issue mmk
18-11-06

8 To the S. Surgeon etc No 7237-9 d: 23/11/06 calls for information as indicated above

9 From the S. Surgeon etc No 494 d: 4/12/06 States that Mr Appadurai Mudaliar first availed himself of the leave on medical certificate for a period of 2 years from the afternoon of 30th April 1902 which having expired on 30th April 1904

GPB—50,000—23 10-05

G.R.S. 12

General and Revenue Secretariat.

Sta File No. 62 of 1905/06

Serial No.

he was granted extra leave without allce for one year in extension of the same and that he applied for retirement on the 20th March 1903—; enclosed the original application of the Asst Surgeon for retirement

Surgeon
Sub-Asst Surgeons.

DMB
7-12-05

Surgn 11-12-6

Mr Apkhadenai having already been relieved, that is, so far back as 30 April 1902, there was obviously no need for further relieving him when on the 20th March 1903, while he was on leave he applied for retirement:

I see little reason or justice in the Comptroller's criticism, which seems to be based too much on the words & too little on the spirit of the rules by which the applr for retirement was made long after the act of relief, & therefore no further relief was necessary. The relief first effected covers the later applr for retirement.

The gratuity of Rs 1050 may be sanctioned.

Director

Note—Contn. sheet

GPB—50,000—23-10-05

Serial No.

I fully agree with the Secretary. The spirit of the rules should be taken into consideration in deciding a case of this kind and in it is a very hard one indeed. The Asstt. Surgeon contracted an incurable disease in the discharge of his public duties and died of it. All technicalities should be brushed aside in dealing with such a case. and as pointed out by the Secretary the formalities required by the rules have been satisfied

K V Kothamangalam
2d Councillor

9/12/06

3353
3/1/06
Sanction granted

The Dewan approves of a gratuity of 1050 R being sanctioned.

BO
CSB
5/2/07

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

Sta File No 62 of 190 5/06

Serial No.

Letter dtd 7-2-07 from Supt. Govt. Press dtd 9-2-1907. Memo dtd 9/2/07 from Govt. Press dtd 13-2-07.

10 To the Lamp holder and the S. Sergeant etc No 76236-7 dt 15-2-07 sanctioning ~~payment of Rs 4 to Appadorai~~ an honorarium of Rs 10/- to the Appadorai Iyer.

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

No. 2694 / Rev 744

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 13th November 1906.

D 1908

FROM

RAI N. G. BASU BAHADUR, M.A.,

COMPTROLLER, MYSORE GOVERNMENT.

To

K.S. Chandrasekhara Iyer, Esq., B.A., B.L.,

SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue DEPARTMENT.

SIR,

With reference to Government Order No. Fl.2786-7 dated the 19th October 1906, I have the honour to report that the late Mr. A. Appadurai Mudaliar, Assistant Surgeon had rendered a service of 7 years 2 months and 14 days before he went on leave on Medical certificate, and that he would be entitled to a gratuity of Rs. 1050/- which is the equivalent of his 7 months emoluments, under Article 340(a), if he had been formally retired from service.

In this connection, I beg most respectfully to state that the application in this case of article 533 of the Mysore Service Regulations even according to its interpretation by Government does not appear to be appropriate. When the officer was relieved of the duties of his office on 1st May 1902, it was not with a view to retire him, but to enable him to avail himself of the leave on Medical certificate sanctioned to him in consequence of his illness. Even if the informality in the Medical certificate is ignored, there was still the other condition to be satisfied, before he could be deemed to have been discharged for the purpose of Article 533, viz., the condition that he should have been relieved of the duties of his office "With a view to retirement". As already stated, his relief was for a diffenent purpose altogether, and I therefore humbly submit that the case is not covered by article 533.

The mere expression of an intention to retire, by an officer

should not in itself be taken as amounting to his having been retired. Even in the case of officers who have rendered enough service to entitle them to retire voluntarily, the mere expression of their intention to retire, cannot be regarded as amounting to actual retirement, until they are relieved of their duties with a view to retire. Much less therefore does it imply actual retirement in the case of officers who are yet far juniors in service and whose case should on that account be subjected to greater scrutiny before they are permitted to retire.

If however the Government is inclined to take a favourable view of the case, and considers that the application of the article in question to this case entails great hardship on the family of the deceased Assistant Surgeon, I beg to point out that there is ample provision in article 501 of the Mysore Service Regulations to meet such cases that are not covered by the ordinary rules. According to it, if the Government considers that there are special circumstances in the case justifying a departure from the rules regarding ordinary pensions they may grant an arbitrarily fixed sum to the family of the deceased. Such being the case, it does not appear to be advisable, in my opinion to ~~sketch~~ stretch a rule beyond its legitimate limits, to make it cover a case which it cannot really cover.

I have the honour to be,

Sir,

Your most obedient servant,

L. Bowring

Comptroller.

G.R.S. 26]

File No. 62
Serial No. 6705.

Diary No. of letter replied to 1908

No. H 3759
dated 23-11-06

General and Revenue Secretariat
( )
, *the* 23 Nov 1906

To

The Senior Surgeon

Date of issue —do—

Signed by W. Ellis Hornibrook

Sir,

~~According to~~ In ~~courtesy~~ your attention to Govt Prop No H 2786 7/Gen 62-05 dated 19th October 1906, I am directed to request you to be so good as to furnish the information ~~at~~ as early ~~date~~ regarding the late Sr Apothecary Woodcar ~~Staff Surgeon Thomas~~ reported to be the 3rd ~~Lieut~~ Class Scouts ~~or what~~ died ~~the~~ date ~~& where~~ & the 3rd Afghan Medallion Asst Surgeon first awarded himself

over.

SUBJECT.

of the leave on medical
certificate & ~~the period~~
~~of such leave~~ for what period?
2. ~~The date of his~~
~~application~~ for return
from ?
~~It is~~ also requested you to send for reference ~~to this office~~
~~that~~ the original
papers in your office relating &
~~regarding~~ this case.
~~may be forwarded~~
along with the in-
formation on the
above points

I have etc

nuly
18/11/16
For Secy

List of enclosures

Copied by M.L. 22/11/16

Examined by

GPB—10,000—20-4-06.

D 2202

Office of Senior Surgeon and Sany Commr M.G

No.G. 494
Gene-1

Dated, Bangalore 3/4 December 1906.

From.

Major H.E.Drake-Brockman I.M.S.,
Senior Surgeon and Sanitary Commissioner
with the Government of H.H.the Maharaja of Mysore
Bangalore.

To.

K.S.Chandrasekara Iyer Esqr., B.A.,B.L.,
Secretary to the Government of H.H.the
Maharaja of Mysore General and Rev. Deptts.
Bangalore.

Sir,

With reference to your No.Fl.3759/S.A. 62-06-8, dated 23-11-1906, I have the honour to state as follows:-

(1) Assistant Surgeon late Mr. Appaudorai Moodaliar, first availed himself of the leave on Medical certificate, for a period of 2/- years, from the afternoon of 30th April 1902, which having expired on 30th April 1904, he was granted extraordinary leave without allowances for one year in extension of the same. Vide Notification No.3989-95-2/Medl, dated 15/16-11-1906.

(2) He applied for retirement on the 20th March 1905.

The original application of the Assistant Surgeon for retirement is herewith forwarded for information and kind return when done with.

I have the honour to be,
Sir,
Your most obedient servant,

H.E.Drake Brockman

Major I.M.S.,

Senior Surgeon and Sany. Commr.

G.R.S. 28]

14-2

File No. 62 of 1905
Serial No. (10)

Diary No. of letter replied to 7202

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(SLa.)

, the 15-2-1907

Date of issue —do—

Signed by W Sreenivasiengar

READ.—

2) Letter No. 2694 dated the 13th November 1906 Pen: 244 from the Comptroller to the Govt. ~~of H.H.~~ the Maharaja stating that the Asst. Surgeon Mr. Appadurai Mudaliar would be entitled to a gratuity of Rs 1050/ if he had been formally retired from service, that the case is not, for reasons given, covered by art: 533 of the M. S. Regns and that if however Govt is inclined to take a i

over

ORDER THEREON.—No.

1) Read 1. fo. No. 7(2786-)-SSA-62-05 dtd 19th Octr 06, requesting the Comptr. to report on the application for gratuity on behalf of the late Mr. Appadurai Mudr. in the circumstances made therein —

The appln. addd to (3rd Sor.)

SUBJECT

favourable view of the case,
they may grant an arbitrarily
fixed sum under art: 501 of
the said Regulations.

2. 3. Letter No 494 dated
the 4th December 1906 from the
Senior Surgeon and Sanitary Commr
with the Govt stating that ~~call~~ furnishing certain
Mr Appadurai Mudr first information called for
availed himself of the leave
on medical certificate for a
period of two years from the
afternoon of 30th April 1902
which having expired on 30th
April 1904 he was granted extra
leave without allce for one year
in extension of the same and
that he applied for retirement
on the 20th March 1905 & died thereafter
on the 24th April 1905.

Order Thereon No 96236-7 / SD62-05-10 } 15-2-0.

The Comptroller ~~states~~ contends
that Mr Appadurai Mudr
was not relieved of his duties in 1902
with a view to his retirement

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

If the case is like cited & the expln. bank 533, an actual relief with express purpose of returning is necessary

The mere expression of his intention to retire on 20th March 1905, while on leave cannot be regarded as amounting to actual retirement within the meaning of the expln to rule 533. MR.

but only to enable him to avail himself of the leave on medical certificate and that therefore his case does not come under the cited rules and suggests that a gratuity arbitrarily fixed may be sanctioned by Govt under rule 501 M.S. Rules. It is observed that Mr Appadurai Mudr having already been relieved, that is so far back as 30th April 1902, there was obviously no need for further relieving him when on the 20th March 1905, while he was still on leave he applied for retirement. The Comptroller's contention seems to be based too much on the words and too little on the sense or spirit of the rules. The application for retirement was made long after the act of relief and therefore no further physical act of relief was possible necessary. The relief first effected covers the later application for

retirement. (The Govt are ~~thereforo~~
(accordingly)
pleased to sanction under art
340 (a) of the Mysore Service
Regulns ~~the payment~~ an
invalid gratuity of Rs 1050—0—0.
one thousand and fifty only
to Mr Appadora Mudr. The
amount will be debited to
Govt revenues and paid
to the legal heirs of the Asst
Surgeon.

15-2-07
Secretary
10
9/2/07

DMB
9-2-07. 20

The Comptroller
The S. Surgeon-Gen
returning the original applns for
of the Asst Surgeon for retirement

MR

Gr. 2 B 14/2